

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

KATHLEEN KITTERMAN, ANNA )  
CRONIN, CORRIE BALL, MARVIN)  
BALL, MARGARET BROGAN and )  
EVAN JONES, )  
 )  
Plaintiffs, )  
 )  
v. ) CASE NO. 2:12cv146  
 )  
CLAUDIO TOVAR-GUZMAN, )  
FORTINO GARCIA AND SONS )  
HARVESTING, INC., KUZZENS, )  
INC., d/b/a LIPMAN, )  
LFC AGRICULTURAL SERVICES, )  
INC., d/b/a LIPMAN and LFC )  
ENTERPRISES, INC., d/b/a )  
LIPMAN, )  
 )  
Defendants. )  
AND  
KATHLEEN KITTERMAN and )  
ANNA CRONIN, )  
 )  
Consolidated Plaintiffs,) ) Case No. 2:14cv16  
v. )  
 )  
LFC AGRICULTURAL SERVICES, )  
INC., d/b/a LIPMAN and )  
LFC ENTERPRISES, INC., )  
d/b/a LIPMAN, )  
 )  
Consolidated Defendants.) )

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DEPOSITION OF GERARD B. ODELL, JR.

Monday, August 4th, 2014 - 9:10 a.m.

Reported by: Stephanie L. Warner  
CSR No. 12334

1 A. LFC Management would be the one in charge. The  
2 local salaried managers would be in charge of that.

3 Q. Okay. Now, does Kuzzens have an accounting  
4 department?

5 A. No.

6 Q. That is done through LFCE?

7 A. That is correct.

8 Q. And similarly, the utility bills and, as you  
9 said, fertilizer is paid by LFCE?

10 A. Yeah, those bills would be paid out of our main  
11 office in Immokalee.

12 Q. Now, who is it that authorizes -- well, who is  
13 it that determines when to send migrant and agricultural  
14 workers to Kuzzens Farm to harvest the crops?

15 A. We would -- as a management group, myself and  
16 several other salaried employees would make that  
17 determination.

18 Q. Okay. Now, as a management group, what Lipman  
19 entity does that management group --

20 A. That would be LFC Management.

21 Q. LFC Management?

22 A. Yeah. I mean, that's who those -- the  
23 individuals who make those decisions would be paid by  
24 LFC Management for the most part.

25 Q. Okay. You know, I meant to ask you this

1 employees?

2 A. They have a few or some full-time, hourly  
3 employees are also paid by LFC Ag.

4 Q. And those full-time, hourly employees are  
5 not -- are not in the field?

6 A. No, that would not be the case. Many of them  
7 are in the field. They are full-time, hourly employees  
8 that would be tractor drivers, people working  
9 irrigation, that sort of employee that would work  
10 year-round for our company -- one of our companies.

11 Q. Okay. Now, I understand that LFC Ag. pays the  
12 employees who work at Kuzzens Farm harvesting the crop?

13 A. That is correct.

14 Q. How does LFC Ag. obtain funds to pay these  
15 employees?

16 A. The funds are -- you know, funds come from the  
17 general income of the company. I don't know exactly how  
18 it's distributed but they maintain a payroll account  
19 which, you know, all the payroll checks are issued from  
20 so they would -- you know, they would have a contract  
21 with, say, for instance, a labor contractor to do the  
22 payroll, to provide the payroll service for them for the  
23 migrant workers that were working with that particular  
24 contractor.

25 Q. Okay. So -- but LFC Ag. pays the migrant --

1 can I call them farm laborers instead of migrant  
2 seasonal agricultural workers? Do you understand what I  
3 mean?

4 A. Yes.

5 Q. So LFC Ag. pays these farm workers. Correct?

6 A. That is correct.

7 Q. They issue them W-2s. Correct?

8 A. That is correct.

9 Q. And those W-2s identify they're employees of  
10 LFC Ag; is that correct?

11 A. That is correct.

12 Q. And LFC Ag. pays workers' compensation for  
13 these farm laborers. Correct?

14 A. We have a workmen's compensation account but  
15 the -- but the contractor's also required to, you know,  
16 carry liability insurance as well.

17 Q. Okay. But LFC Ag. pays workers'  
18 compensation -- pays the premium for workers'  
19 compensation for these workers. Correct?

20 A. They do pay a premium for workers'  
21 compensation, that is correct.

22 Q. Sorry. I'm going through my notes and some of  
23 these I've already asked so that's why there's a delay.

24 Now, is there any written agreement between any  
25 LFC or any Lipman company and Kuzzens that permit the